

State Quality Improvement Team

Dear State QIC Members:

Our Quality Improvement Team would like to make a request to you due to our concern regarding the Cohabitation Act which reads as follows:

R512-302-10. Cohabitation Not Permitted for Foster Parents.

A. foster parent or foster parents must complete a declaration of compliance with Section 78-30-9(3)(a and b) that they are not cohabiting with another person in a sexual relationship. Beginning May 1, 2000, the division gives priority for foster care placements to families in which both a man and a woman are legally married or valid proof that a court or administrative order has established a valid common law marriage, Section 30-1-4.5. An individual who is not cohabiting may also be a foster parent if the Region Director determines it is in the best interest of the child. Legally married couples and individuals who are not cohabiting and are blood relatives of the child in the divisions' custody may be foster parents pursuant to Section 78-3a-307(5).

We have recently become aware of a child who was placed by DCFS with his grandparents. The grandparents had been cohabitating for 25 years and were required to become legally married in order to adopt the child. By doing so, they lost a great deal of financial benefits which they, in the end, decided were less important than the child's well being. While admirable of the grandparents, we feel that this is completely unnecessary. Some of the financial benefits they and others could lose are 1) Social Security Benefits; 2) Widow's Pensions (which was the financial loss in the above mentioned case); and 3) Tax Benefits.

Therefore, our team would request that you lobby for an amendment to this act that would exclude kinship. We feel that in the above case, the provisions of the Act actually hurt the child by putting the family at risk financially.

We appreciate your attention to this matter and look forward to hearing from you soon.

Sincerely,

Chantel Markel, Chair
Washington County QIC